

Appl. No. 10/804,387  
Amdt. Dated March 10, 2005  
Reply to Office Action of Jan. 28, 2005

**Remarks/Arguments**

In the Office Action of 1/28/2005, claims 1-9 and 14 are rejected for being indefinite. These claims have been amended to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. As such, as Examiner found claims 1-9 to be allowable if amended to overcome this rejection, Applicant respectfully submits claims 1-9 are in condition for allowance.

Claims 10-13 are rejected under 35 USC 102(b) as being clearly anticipated by Kunik (D457,239). The rejection states that Kunik discloses an IV bag stand comprising a base with a plurality of legs carried by a telescopic member, a plurality of telescopic members, a C-shaped hanger, and locking and stop means. As a design patent, Kunik may only be cited as disclosing what is shown in the figures and described in the specification. Nowhere in the specification or in the figures does the patent disclose or teach a collapsible base. There are no figures included that show the base in any position other than fully extended. Further, this patent does not disclose a plurality of permanently interconnected telescoping vertical support members. The patent discloses a pole having three rings disposed around the pole as the pole narrows in circumference. The patent does not disclose these poles as being collapsible or telescoping in any way. Further, these rings are not disclosed in any way as being lock and stop members. Finally, this patent does not disclose a transportable IV bag stand having an expanded work position and a collapsed transport position as called for in amended claim 10. For the reasons stated above and others, Applicant respectfully

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submits that as Kunik does not disclose all elements of claim 10, as amended, that claims 10-13 are patentable over Kunik.

Claim 10 is rejected under 35 USC 102(b) as being clearly anticipated by Bekenich (4,725,027). The rejection states that Bekenich discloses an IV stand comprising a base with a plurality of legs carried by a telescopic member, a plurality of vertical support members, a hanger for supporting IV bags, and lock and stop members. Bekenich does not disclose a collapsible base having a plurality of legs permanently carried by an outer telescoping vertical member. The patent does not teach a collapsible base member in any part of the patent. Further, the patent does not teach a plurality of permanently inter-connected telescoping vertical support members. Also, the patent does not disclose locating lock and stop members at the second end of a plurality of the telescoping vertical support members so as to permanently maintain said telescoping vertical support members inter-connected. Bekenich, in fact, teaches away from permanently inter-connecting the vertical support members as shown in figure 2 specifically. As such, it is clear that Bekenich does not disclose every element of claim 10. Reconsideration of the rejection and favorable action on the claim is requested for the reasons set forth above.

Claims 11-13 are rejected under 35 USC 103(a) as being unpatentable over Bekenich in view of Kunik. As claims 11-13 depend on claim 10, which is now believed to be in condition for allowance, it is believed these claims are also in condition for allowance. Claims 11-13 are allowable for further reasons as well, including the fact

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that neither of the references alone or in combination teach a bag stand having first and second positions wherein said bag stand is less than 19" in length in said first position. Further, for all the reasons stated above in reference to the 102 rejections, claims 11-13 are believed to be in condition for allowance. Reconsideration of the rejection and favorable action on the claims is requested for the reasons set forth above.

Claim 14 has been amended as per Examiner's recommendation so as to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. As such, as Examiner has found claim 14 to be allowable if amended to overcome this rejection, Applicant respectfully submits claim 14 is also in condition for allowance.

Favorable action on the claims and the passing of the case to issue is respectfully requested in due course of the Patent Office business.

Respectfully submitted,



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